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Food and Agricultural Import Regulations and Standards

European Parliament passes new EU rules on fortified foods

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Report Highlights:

The new regulation sets out an EU positive list of approved vitamins and minerals that may be added to foods. Vitamins and minerals not included in the list will no longer be allowed to enrich foods. The new regulation also establishes strict labeling criteria and criteria for setting minimum and maximum levels.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Brussels USEU [BE2]
[E3]

EUROPEAN PARLIAMENT PASSES NEW EU RULES ON FORTIFIED FOODS

On the same day it passed new EU rules on nutrition and health claims (see GAIN report E36086), the European Parliament (EP) adopted a compromise deal on the addition of vitamins, minerals and other substances to foods. The addition of vitamins and minerals to food is prohibited in some member states while allowed in others but with varying restrictions. Harmonizing these differing national rules should remove the obstacle to the free movement of fortified foods within the EU.

The proposed new regulation sets out an EU positive list of approved vitamins and minerals that may be added to food. Vitamins and minerals not included in this list will no longer be allowed to enrich foods. The new regulation also establishes strict labeling criteria and criteria for setting minimum and maximum levels.

The Council is expected to formally adopt the regulation in the coming weeks and it will enter into force 20 days after its publication in the Official Journal. There will be a transitional period of three years for products not complying with the new rules provided they were labeled or placed on the market before the entry into force of the regulation. In a transitional period of seven years, vitamins and minerals not included in the EU positive list may remain on the market, provided they were added to foods marketed in the EU at the same time the new regulation enters into force and that scientific dossiers for evaluation by the European Food Safety Authority (EFSA) are submitted to the Commission within three years of the regulation's entry into force.

The proposed regulation does not apply to foods intended for particular nutritional purposes as they are covered by separate EU legislation (see <http://useu.usmission.gov/agri/partnutr.html>). Separate legislation also exists for food supplements (see <http://useu.usmission.gov/agri/foodsupplements.html>.) Adding vitamins or minerals to unprocessed foodstuffs such as fresh fruits and vegetables, meat, poultry, fish, and beverages and food products containing more than 1.2% alcohol will be prohibited.

Minimum and maximum levels

Within two years of the regulation's entry into force, the Commission must submit a proposal on minimum and maximum levels of vitamins and minerals to enrich foods. The Commission intends to publish a discussion paper on these levels and then table proposed levels, based on scientific advice from EFSA, for agreement by the member states in the Standing Committee on the Food Chain and Animal Health (Comitology procedure).

Labeling

Nutrition labeling of fortified foods will be compulsory. The information on the label must comply with article 4(1), group 2, of [Directive 90/496/EEC](#) on nutrition labeling. Stating that a balanced and varied diet cannot provide appropriate quantities of nutrients is prohibited. Nutrients added to foods without a desirable nutritional profile (with a high sugar, fat or salt content) will not be able to make a claim as outlined in the new nutrition and health claims regulation (see GAIN report E36086).

Other Substances

As there is currently very little scientific evidence to show that the intake in large quantities of substances such as herbal extracts, amino acids and proteins do not pose a risk to human health, the proposed regulation sets out a procedure involving EFSA to evaluate these substances. This procedure can be initiated by the Commission on its own initiative or on

the basis of information provided by the member states. Based on EFSA's evaluation, a decision on an eventual restriction or ban will be taken by the Commission and the member states through the Comitology procedure.

Visit our website: our website <http://useu.usmission.gov/agri/> provides a broad range of useful information on EU import rules and food laws and allows easy access to USEU reports, trade information and other practical information. More information on fortified foods can be found at <http://useu.usmission.gov/agri/foodsupplements.html>.
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Related reports from USEU Brussels:

Report Number	Title	Date Released
E36086	EP Passes New Rules on Nutrition and Health Claims	5/24/2006
E36058	Nutrition and Health Claims – Status of EU Proposal	4/7/2006
E35162	Food & Agricultural Import Regulations & Standards (FAIRS)	8/18/2005
E36045	Food Labeling Review	8/29/2003
These reports can be accessed through our website http://useu.usmission.gov/agri or through the FAS website http://www.fas.usda.gov/scriptsw/attacherep/default.asp .		